Supreme Court, U.S.
FILED
JUL 3 1980
MICHAEL RODAK, JR., CLERK

In The

Supreme Court of the United States

October Term, 1979

No. 79-1954

ERNEST THOMPSON,

Petitioner,

vs.

J. S. YOUNG CO. and OIL, CHEMICAL AND ATOMIC WORKERS INTERNATIONAL UNION, AFL-CIO,

Respondents.

SUPPLEMENTAL APPENDIX

G. DENMEAD LeVINESS
714 INA Building
303 East Fayette Street
Baltimore, Maryland 21202
(301) 727-4991

DAVID FREISHTAT
1700 Tower Building
Baltimore, Maryland 21202
(301) 727-7740

Attorneys for Petitioner

3542 LUTZ APPELLATE PRINTERS, INC.
Law and Financial Printing
South River, N.J. (201) 257-6850 New York, N.Y. (212) 840-9494 Philadelphia, Pa. (215) 563-5587 Washington, D.C. (202) 783-7288

TABLE OF CONTENTS

Page

Unpublished Decision of the United States Court of Appeals for the Fourth Circuit Filed December 26, 1979 .... 1a

Judgment of the United States Court of Appeals for the Fourth Circuit Filed December 26, 1979 ..... 3a

Order Denying Rehearing Filed February 19, 1980 ..... 4a

Unpublished Decision of the United States Court of Appeals for the Fourth Circuit Filed December 18, 1979 ..... 6a

Judgment of the United States Court of Appeals for the Fourth Circuit Filed December 18, 1979 ..... 7a

UNPUBLISHED DECISION OF THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT FILED DECEMBER 26, 1979

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

Nos. 79-1670 and 1671

Ernest Thompson,

Appellant,

v.

The J. S. Young Company,

Appellee.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Herbert F. Murray, District Judge.

Submitted: November 16, 1979
Decided: December 26, 1979

Before RUSSELL, WIDENER and SPROUSE, Circuit Judges.

(Ernest Thompson, Appellant Pro Se. Michael J. Herwig, for the Appellee.)

PER CURIAM:

Ernest Thompson appeals district court orders disallowing his untimely appeals in the instant cases. Because both involve the same defendant, we consolidate them for decision.

We need not review the district court's denial of leave to appeal. Because the court did not enter a separate final

judgment, the time for appeal never began to run. *Caperton v. Beatrice Pocahontas Coal Co.*, 585 F. 2d 683 (4th Cir. 1978).

Insofar as Thompson seeks to hold appellee liable under the Labor-Management Reporting and Disclosure Act, 29 U.S.C. §401, *et seq.*, we note that the statute does not create a cause of action against an employer. *Duncan v. Peninsula Shipbuilders Ass'n.*, 394 F.2d 237 (4th Cir. 1968). Similarly the borrowed statute of limitations has run on his claim under 42 U.S.C. §1985. *See* Md. Code Ann. C.J. §5-101. Because the record and materials filed indicate that oral argument would not aid our decision, we dispense with it, and affirm the judgment of the district court.

AFFIRMED

JUDGMENT OF THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT FILED DECEMBER 26, 1979

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 79-1671

Ernest Thompson,

Appellant,

v.

The J. S. Young Company,

Appellee.

Appeal from the United States District Court for the District of Maryland.

This cause came on to be heard on the record from the United States District Court for the District of Maryland.

On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said District Court appealed from, in this cause, be, and the same is hereby, affirmed.

s/ William K. Slate II
CLERK

ORDER DENYING REHEARING FILED FEBRUARY 19, 1980

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

NO. 79-1670

Ernest Thompson,

Appellant,

versus

The J. S. Young Company,

Appellee.

NO. 79-1671

Ernest Thompson,

Appellant,

versus

The J. S. Young Company,

Appellee.

Appeals from the United States District Court for the District of Maryland at Baltimore. Herbert F. Murray, District Judge.

Upon consideration of the appellant's petition for rehearing,

IT IS ORDERED that the petition for rehearing is denied.

Order Filed February 19, 1980

Entered at the direction of Judge Russell with the concurrence of Judge Widener and Judge Sprouse.

For the Court,

s/ William K. Slate, II
CLERK

UNPUBLISHED DECISION OF THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT FILED DECEMBER 18, 1979

No. 79-1604

Ernest Thompson,

Appellant,

v.

International Union: AFL-CIO,

Appellees,

Appeal from the United States District Court for the District of Maryland, at Baltimore. Herbert F. Murray, District Judge.

Submitted: October 15, 1979
Decided: December 18, 1979

Before HALL, PHILLIPS and MURNAGHAN, Circuit Judges.

(Ernest Thompson, Appellant Pro Se. Bernard W. Rubenstein, for the Appellees.)

PER CURIAM:

A review of the record and of the district court's opinion discloses that this appeal from the order of the district court is without merit. Because the dispositive issues recently have been decided authoritatively, we dispense with oral argument and affirm the judgment below on the reasoning of the district court. *Thompson v. International Union: AFL-CIO,* Civil No. HM78-844 (D.Md., September 7, 1979).

JUDGMENT OF THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT FILED DECEMBER 18, 1979

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 79-1604

Ernest Thompson,

Appellant,

vs.

International Union: AFL-CIO,

Appellees.

Appeal from the United States District Court for the District of Maryland.

This cause came on to be heard on the record from the United States District Court for the District of Maryland.

On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said District Court appealed from, in this cause, be, and the same is hereby, affirmed.

s/ William K. Slate II
CLERK